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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,698	09/28/2000	Rajendran Nair	42390.P9239	3386

7590 02/27/2004

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/677,698	Applicant(s) NAIR ET AL.	
	Examiner Steven H. Rao	Art Unit 2814	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 24 November 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-7,20-23.

Claim(s) withdrawn from consideration: _____.

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8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☒ Other: Enclosed a Notice of defective brief.

Wael Tabbara
SUPERVISORY PRIMARY
TECHNOLOGY CENTER

Continuation of 2. NOTE: Applicants' have amended all claims as follows:

Claim 2 has been amended to recite " positive power supply voltage trace" instead of previously recited " positive voltage source". Applicants' specification page 4 lines 11-14 describes positive supply voltage and the other leads connected to negative supply voltage. (i.e. positive power supply voltage source is a different element from the separately mentioned " other different leads " and certainly different from the now recited "trace").

Positive supply voltage means any source providing positive voltage (See also Applicants' specification page 2 lines 10-11 describing + connections and - connections), which giving claims their broadest possible interpretation means any source providing positive/negative voltage.

Further , Positive power supply voltage trace means only a positive line or negative line as described in Applicants' specification page 5 lines 20 and 6 (also in page 8, etc.) i.e. a particular power supply voltage line and does not include any other source that provides a positive voltage.

This change in scope will require further consideration and a new search at this stage i.e. After Final.

It is noted that Applicants' Appeal brief contains in the " Status of Amendments " section (page 4 last paragraph) that this amendment is responsive to objections raised in the Final rejection (mailed 06/04 /2003) . Actually the objection (page 2 final rejection of 06/04/2003) was to remove the extra " to" between electrode and couple, therefore the addition of the " power supply trace" has nothing to do with the objections . Therefore the amendments do not place the application in better form for appeal.

Dependent claims 3-7 depend from claim 2 and therefore are also now of different scope.

Claim 20 has been amended to recite, " positive power supply voltage trace" instead of " positive power supply voltage" and further "a gate insulator coupled to said diffused gate region " instead of " a gate insulator area " . (The amendment changing " a diffused gate region coupled to said metallic gate electrode was previously recited in claim 1 and therefore does not require further consideration and a new search). As stated above under claim 2 adding the word " trace" in claim 20 changes the scope of the claim 20.

Further specifying that the gate insulator is coupled to said diffused gate area also changes the scope of the claims because before the instant amendment the gate insulator could have been coupled to any other region or not coupled to any region at all (see Applicants' specification at least page 4 lines 20-24 and page 7 lines 21-23) .

This change in scope will require further consideration and a new search at his stage i.e. After Final.

Dependent claims 21-23 depend from claim 20 and therefore are also now of different scope.

It is noted that Applicants' Appeal brief contains in the " status of Amendments section (page 4 last paragraph) that this amendment is responsive to objections raised in the Final rejection (mailed 06/04 /2003) . Actually the objection (pages 2-3) final rejection of 06/04/2003) has nothing to do with the addition of the word " trace" or the addition of the words " coupled to said gate diffused region " . Therefore Applicants' above amendments to claim 20 are not responsive to any outstanding objections but generated sue sponte by the Applicants and therefore does not place the application in better form for appeal.

It is also noted that as Applicants' 37 CFR 1.116 amendment filed November 24, 2003 will not be entered because the amendment raises new issues (the change in scope of the pending claims) which require further consideration and a new search at this stage (After Final.)

As the 1.116 amednment has not been entered, Appeal brief filed along the 1.116 amend ment based on the assumption that proposed 1.116 amednment will be entered and arguments therein specifcally based on nonentered claims (as seen atleast from Appellants' brief page 12 first full paragraphpage 14 second full paragraph, etc.) renders the Appeal brief of November 24, 2003 defective.

A notice of defective brief is enclosed herewith giving Applicants' 30 days or one month from the mailing of this communication to submit a proper brief to avoid dismissal of the Appeal.

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2/13/2004

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Response to Amendment

(Notice Of Defective Brief)

Applicants' response to the Final rejection mailed on June 04, 2003, filed on November 11, 2003 which included a 37 CFR 1.116 amendment and appeal brief has not been entered because the 1.116 amendment raises issues of new matter and new issues which require further consideration and a new search at this stage (After Final). (37 CFR 1.116 (c) , See also 37 CFR 1.196).

As the proposed 37 CFR 1.116 amendment has not been entered, Applicants' appeal brief filed on November 24, 2003 is defective because Applicants' arguments therein are based on the assumption that proposed 37 CFR 1.116 amendment has been entered. Applicants' specifically argue the newly added limitations of the amendment are not taught by the applied art .Therefore under the provisions of MPEP 1207 , etc. Applicants' brief is defective.

To avoid dismissal of the appeal, appellant must submit the appeal brief (if desired) arguments why the Final rejections of the claims as recited prior to the proposed 1.116 amendment or file a RCE within the longest of any of the following TIME PERIODS (1) ONE MONTH or THIRTY DAYS , whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1-191. Extensions of time periods may be granted under 37 CFR 1.136.

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Art Unit: 2814

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven H. Rao whose telephone number is (703) 3065945. The examiner can normally be reached on 8.00 to 5.00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven H. Rao

Patent Examiner

February 13, 2004.

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